



2838

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RECEIVED  
APR 9 2003  
TECHNOLOGY CENTER-2800

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/073,582	
	Filing Date		
	First Named Inventor	David S. Browe	
	Art Unit	2838	
	Examiner Name	Pia F. Tibbits	
Total Number of Pages in This Submission	16	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Werner H. Schroeder
Signature	<i>Werner H. Schroeder</i>
Date	04/01/03

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 04/01/03			
Typed or printed	Werner H. Schroeder		
Signature	<i>Werner H. Schroeder</i>	Date	04/01/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## Response to first Office Action

Application Sn 10/073,582

RECEIVED  
APR -9 2003  
TECHNOLOGY CENTER 2800

#16  
Art 9  
J. W. H.  
4-7-03

This is a response to a first Office Action in this application having a mailing date of 02/23/2003 and setting forth a shortened period for response of three months which would expire on 05/23/03. In response to the office action, the undersigned has to admit that the office action is the most critical of almost every word in the specification and the claims and the total disclosure ever received by the undersigned. Nevertheless, the applicant will answer the above identified office action following the numerical sequence of the paragraphs.

Applicant notices the first paragraph after the heading **"detailed Action"**

The examiner is informed that the application at hand was prepared by a Patent Agent who is now of record in this case. It is believed that the application at hand was prepared in a professional way and manner and following the PTO's rules and regulations. The mere fact that an agent or attorney is not mentioned in the application papers should not cause the examiner to automatically assume that there is no professional counsel. Therefore, the form paragraph 17.01 is misplaced in this Office Action.

1. The examiner states: "that the specification to which the oath or declaration is directed has not been adequately identified". The applicant does not understand what the examiner's problem is with this paragraph of the MPEP.

The applicant clearly stated in the Oath and Declaration: Forms PTO/SB/01 (1 of 2 ) and Form PTO/SB o1 (2 of 2) in the preprinted section of this form that what the examiner says is missing, is not.

Where in the MPEP does it state that the applicant's signature must include a notary's signature?

Where in the MPEP and anywhere else is there requirement for a notary seal?